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Letter dated 22 December 2017 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, containing an account of the Committee's activities from 1 January to 31 December 2017. The report, which was approved by the Committee, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

I should be grateful if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Amr Abdellatif **Aboulatta**
Chair
Security Council Committee established
pursuant to resolution 1533 (2004) concerning
the Democratic Republic of the Congo

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Report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo covers the period from 1 January to 31 December 2017.

2. The Bureau of the Committee consisted of Amr Abdellatif Aboulatta (Egypt) as Chair and the representatives of Ukraine and Uruguay as Vice-Chairs.

II. Background

3. By its resolution 1493 (2003), the Security Council imposed an arms embargo on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and Ituri and on groups not party to the Comprehensive and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo. By its resolution 1533 (2004), the Council established the Committee and requested the Secretary-General, in consultation with the Committee, to establish a group of experts to monitor the implementation of the arms embargo. The scope of the embargo was subsequently amended several times; most significantly, by paragraph 2 of its resolution 1807 (2008), the Council determined that the measures on arms no longer applied to the Government of the Democratic Republic of the Congo. By paragraph 3 (a) of the same resolution, the Council also clarified that the measures on arms would not apply to supplies of arms and related materiel and technical training and assistance intended solely for support of or use by the United Nations Organization Mission in the Democratic Republic of the Congo. By paragraph 1 of its resolution 2136 (2014), the Council decided that the measures on arms would not apply to the supply of arms and related materiel, in addition to assistance, advice or training, intended solely for the support of or use by the African Union Regional Task Force. The arms embargo similarly does not apply to supplies of protective clothing or non-lethal military equipment intended solely for humanitarian or protective use.

4. By its resolution 1596 (2005), the Security Council imposed targeted travel and financial measures on individuals and entities designated by the Committee as violating the arms embargo. In subsequent resolutions, the Council gradually expanded the criteria based upon which an individual or entity may be designated for targeted sanctions to include political and military leaders who impede the disarmament process, use children in armed conflict or target children or women in situations of armed conflict.

5. The Group of Experts on the Democratic Republic of the Congo initially consisted of four experts, a number that was increased to five experts by the Security Council in its resolution 1596 (2005) and then again increased to six experts by the Council in its resolution 1952 (2010). The Group's mandate was most recently extended by the Council in its resolution 2360 (2017).

6. Further background information on the Democratic Republic of the Congo sanctions regime can be found in the previous annual reports of the Committee.

III. Summary of the activities of the Committee

7. The Committee held two formal meetings, on 30 January and 20 March; met six times in informal consultations, on 15 February, 22 May, 21 July, 7 September, 13 November and 11 December; and held one open briefing for all Member States on 4 August, in addition to conducting its work through written procedures.

8. During the formal meeting held on 30 January, the Committee met with representatives of the Democratic Republic of the Congo, Burundi, Rwanda, South Sudan, the United Republic of Tanzania and Uganda. The Committee exchanged views with the representatives on the midterm report of the Group of Experts (S/2016/1102).

9. During the informal consultations held on 15 February, the Committee received a briefing, by teleconference, from the Coordinator of the Group of Experts on the Group's monthly updates for December 2016 and January 2017, submitted pursuant to paragraph 9 of resolution 2293 (2016).

10. During the formal meeting held on 20 March, the Committee received a briefing by videoconference from the Special Envoy of the Secretary-General for the Great Lakes Region and the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) on the Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Region. The Committee also heard statements from the following regional States participating in the meeting: Democratic Republic of the Congo, Angola, Burundi, Rwanda, United Republic of Tanzania and Uganda.

11. During the informal consultations held on 22 May, the Committee was briefed by representatives of MONUSCO and the Mine Action Service on the mandate of the Mission to monitor the arms embargo, as well as weapons and ammunition management in the Democratic Republic of the Congo.

12. During the informal consultations held on 21 July, the Committee heard a presentation by the Group of Experts on its final report (S/2017/672/Rev.1), submitted in accordance with paragraph 5 of resolution 2360 (2017), and discussed the recommendations contained therein.

13. During the open briefing on 4 August, the Committee heard statements on the illicit exploitation of the natural resources of the Democratic Republic of the Congo from the Special Envoy of the Secretary-General for the Great Lakes Region, the Executive Secretary of the International Conference on the Great Lakes Region and the Coordinator of the Group of Experts. Member States participating in the briefing also made statements in their national capacity.

14. During the informal consultations held on 7 September, the Committee heard a presentation by the Group of Experts on its programme of work and mandate renewed by resolution 2360 (2017).

15. During the informal consultations held on 13 November, the Chair briefed the Committee on his visit to the Democratic Republic of the Congo, the Congo and the United Arab Emirates from 16 to 19 October. The Coordinator of the Group of Experts, who also participated in the visit, joined the consultations by teleconference.

16. During the informal consultations held on 11 December, the Committee heard a presentation by the Coordinator of the Group of Experts on the Group's midterm report (S/2017/1091), submitted in accordance with paragraph 6 of resolution 2360 (2017), and discussed the recommendations contained therein.

17. Following the above-mentioned open briefing and informal consultations, and in accordance with paragraph 104 of the annex to the note by the President of the Security Council contained in document S/2017/507, the Committee issued a number of press releases[1] containing brief summaries of the formal meetings and informal consultations.

18. On 17 August, the Chair of the Committee briefed the Security Council on the main findings set out in the final report of the Group of Experts (S/2017/672/Rev.1).

19. From 16 to 19 October, the Chair of the Committee visited the Democratic Republic of the Congo, the Congo and the United Arab Emirates. It was the third such visit of the Chair to the Great Lakes region since the establishment of the sanctions regime in 2004, and the third consecutive visit since 2015. In the course of the visit, the Chair endeavoured to secure commitments from the Governments of the Member States visited to improve cooperation with the Committee and the Group of Experts.

20. The Committee sent 57 communications to 40 Member States and other stakeholders with reference to the implementation of the sanctions measures.

IV. Exemptions

21. Exemptions to the arms embargo are contained in paragraphs 2 and 3 of resolution 1807 (2008).

22. Exemptions to the travel ban are contained in paragraph 10 of resolution 1807 (2008).

23. Exemptions to the asset freeze are contained in paragraph 12 of resolution 1807 (2008).

24. The Committee received seven arms embargo notifications invoking paragraphs 2 and 5 of resolution 1807 (2008), as most recently reaffirmed in paragraph 1 of resolution 2360 (2017), for the provision of weapons, ammunition and arms and related materiel to the Government of the Democratic Republic of the Congo.

V. Sanctions list

25. The criteria for the designation of individuals and entities as subject to the travel ban and asset freeze are set out in paragraph 7 of resolution 2293 (2016) as reaffirmed and expanded, respectively, in paragraphs 2 and 3 of resolution 2360 (2017). The procedures for requesting listing and delisting are described in the Committee's guidelines for the conduct of its work.

26. As at the end of the reporting period, there were 31 individuals and nine entities on the sanctions list of the Committee.

VI. Group of Experts

27. The work of the Group of Experts was disrupted by the murder of two of its experts, Zaida Catalán and Michael Sharp, on 12 March. Therefore, the Group of Experts delivered its final report in August, following an extension authorized by the Security Council in line with resolution 2360 (2017). The Committee followed the

[1] The Committee issued press releases in connection with its formal meeting on 30 January, formal meeting on 20 March, informal consultations on 22 May, open briefing on 4 August, informal consultations on 7 September and informal consultations on 13 November.

developments with regard to the killing of the experts, including the executive summary of the report of the United Nations Security Management System Board of Inquiry transmitted by the Secretary-General to the Security Council on 15 August (S/2017/713) and the deployment by the Secretary-General of a United Nations team, consisting of one senior official, four technical experts and support staff to assist the Congolese authorities with its national investigation (S/2017/917).

28. The final report of the Group of Experts submitted pursuant to paragraph 5 of resolution 2360 (2017), was issued as a document of the Council on 10 August (S/2017/672/Rev.1).

29. On 4 August, following the adoption by the Security Council of resolution 2360 (2017), the Secretary-General appointed six individuals to the Group of Experts, with expertise in arms (one expert), armed groups (two experts), natural resources/financial issues (two experts) and humanitarian issues (one expert) (S/2017/683). The mandate of the Group will expire on 1 August 2018.

30. On 28 November, in accordance with paragraph 6 of resolution 2360 (2017), the Group of Experts provided its midterm report to the Committee, which was transmitted to the Security Council on 22 December and issued as a document of the Council (S/2017/1091).

31. The Group of Experts conducted regular visits to the Democratic Republic of the Congo (primarily to Goma and Beni, North Kivu, and Bukavu, South Kivu) and also visited France, Italy, Kenya, Rwanda, Sweden, Uganda, the United Arab Emirates and the United States of America.

32. In pursuance of its mandate, the Group of Experts, through the Secretariat, sent 59 letters to Member States, the Security Council, the Committee and international and national entities.

VII. Secretariat administrative and substantive support

33. The Security Council Affairs Division provided substantive and procedural support to the Chair and the members of the Committee. Advisory support was also provided to Member States to promote understanding of the sanctions regimes and facilitate the implementation of the sanctions measures. Induction briefings were also provided to incoming members of the Council to familiarize them with the specific issues relevant to the sanctions regime.

34. To support the Committee in its recruitment of well-qualified experts to serve on sanctions monitoring groups, teams and panels, a note verbale was sent to all Member States on 11 December to request the nomination of qualified candidates for membership in the roster of experts. In addition, a note verbale was sent to all Member States on 7 December notifying them of upcoming vacancies on the Group of Experts and providing information on recruitment timelines, areas of expertise and pertinent requirements.

35. The Division continued to provide support to the Group of Experts, conducting an induction for newly appointed members and assisting in the preparation of the Group's final report submitted in June and its midterm report submitted in November.

36. The Group of Experts participated in the fifth annual inter-panel coordination workshop, held in New York on 5 and 6 December, organized by the Secretariat. On 7 and 8 December, the Division, in cooperation with United Nations system partners, conducted a workshop on investigative interview techniques for 10 experts from sanctions monitoring groups, teams and panels. Three members of the Group participated therein.

37. The Secretariat continued to update and maintain the Consolidated United Nations Security Council Sanctions List and the committee-specific sanctions lists in the six official languages and the three technical formats. Furthermore, the Secretariat implemented improvements concerning the effective utilization of and access to sanctions lists, including through the creation of links within list entries, as appropriate, to INTERPOL-United Nations Security Council Special Notices, as well as the development in English of the data model approved in 2011 by the Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, as requested by the Security Council in paragraph 48 of resolution 2253 (2015).